

June 26, 2022

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY LETTER NO. 22-54**

The purpose of this letter is to inform county child welfare service agencies and probation departments of the requirements of Assembly Bill 829 (Chapter 528, Statutes of 2021) regarding access to immigration legal services for undocumented immigrant minor and nonminor dependents in foster care.



KIM JOHNSON  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
744 P Street • Sacramento, CA 95814 • [www.cdss.ca.gov](http://www.cdss.ca.gov)



GAVIN NEWSOM  
GOVERNOR

JUNE 26, 2022

ALL COUNTY LETTER NO. 22-54

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CHIEF PROBATION OFFICERS  
CHILD WELFARE SERVICES PROGRAM MANAGERS  
ALL FOSTER FAMILY AGENCY DIRECTORS  
ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: **IMMIGRATION LEGAL SERVICES FOR UNDOCUMENTED  
IMMIGRANT MINOR AND NONMINOR DEPENDENTS IN  
FOSTER CARE**

REFERENCE: [ASSEMBLY BILL \(AB\) 829 \(CHAPTER 528, STATUTES OF 2021\);](#)  
[WELFARE AND INSTITUTIONS CODE \(WIC\) SECTIONS 13310;](#)  
[WIC 16501.1; WIC 16010.6; CHILD WELFARE SERVICES](#)  
[MANUAL OF POLICIES AND PROCEDURES \(MPP\) SECTION](#)  
[31-236; INTERGRATED CORE PRACTICE MODEL](#)

## **PURPOSE**

The purpose of this All County Letter (ACL) is to inform county child welfare services agencies and probation departments of the requirements of Assembly Bill (AB) 829 (Chapter 528, Statutes of 2021) regarding access to immigration legal services for undocumented immigrant minor and nonminor dependents in foster care.

## **BACKGROUND**

Identifying a child's immigration status is essential to the minor or non-minor dependent's (NMD) future because the caseworker will use this information to:

- Notify the minor or nonminor dependent's attorney of their immigration status; and
- Connect the undocumented minor or NMD in foster care to appropriate services as early as possible to pursue a potential pathway to legal immigration status,

such as Special Immigrant Juvenile Status (SIJS),<sup>1</sup> and to avoid negative immigration outcomes, such as removal orders (also known as deportation).

Obtaining immigration relief is critical for foster youth to successfully transition to adulthood, as it can increase safety, stability, and opportunities for foster youth, including but not limited to, educational and employment opportunities, as well as potential eligibility for services and supports related to basic needs such as shelter and food. Obtaining immigration relief also protects the child from being removed from the United States and returned to their home country where they may not be safe or secure.

Current law under Welfare and Institutions Code (WIC) section 16501.1(g)(16)(A)(ii) requires the caseworker to monitor and document the provision of applicable services for the duration of the minor's or NMD's case plan, including services consistent with the minor's or NMD's best interest that will help them prepare for the transition from foster care to successful adulthood and attain emancipation preparation goals. This includes whether the child has an in-progress application for SIJS or other applicable application for legal residency and whether an active dependency case is required for that application. Additionally, as required by state regulations contained in the Child Welfare Services Manual of Policies and Procedures Division 31-236(i)(4)(D), for an undocumented minor or NMD, this includes services described in the Transitional Independent Living Plan (TILP) to assist the child in acquiring and receiving important documents, including preparation and/or receipt of a completed application for SIJS or other immigration relief.

### **AB 829 REQUIREMENTS**

The AB 829 was enacted with the legislative intent to create accountability to ensure children in foster care receive all immigration relief for which they may be eligible. AB 829 added WIC section 13310 requiring the county to make its best efforts to provide undocumented immigrant minors or NMD's in foster care under the jurisdiction of the juvenile court with access to immigration legal services. These services may be provided through an outside legal services provider. In addition, AB 829 amended WIC section 16010.6(f) to require the county's child placing agency to notify the dependent minor's or the NMD's attorney of the dependent minor's or NMD's

---

<sup>1</sup> SIJS provides certain undocumented, vulnerable children and youth with a legal pathway to remain safely in the United States (US). In particular, under federal law, an unmarried person under 21 years old who has been abused, neglected or abandoned by a parent may seek SIJS and if successful, may then be eligible to apply for lawful permanent resident status. Importantly, the SIJS petition **must** be received by the United States Citizenship and Immigration Services (USCIS) before the juvenile's 21<sup>st</sup> birthday. While the juvenile or their representative must apply for SIJS, a state court (i.e. a family, dependency, or probate court) must first make requisite findings necessary to enable the juvenile to be eligible to apply for SIJS, as provided in California Code of Civil Procedure section 155.

immigration status electronically or by telephone within five business days of learning that the dependent minor or NMD is undocumented.

### **RECOMMENDATIONS IN ALIGNMENT WITH INTEGRATED CORE PRACTICE MODEL**

As caseworkers connect with foster youth, it is critical that caseworkers utilize practice components from the [Integrated Core Practice Model](#) (ICPM) when identifying and engaging with a child regarding their immigration status. The ICPM is a framework that the state has agreed to implement in conjunction with all 58 counties. The model has six key practice components which form the basis of collaborative work with children, youth, and families involved with child welfare services agencies and probation departments. When caseworkers utilize the practice components of engagement, assessment, teaming, service planning and delivery, monitoring and adapting, and transitioning, the minor and NMD dependents will have more positive outcomes.

During the engagement and assessment of whether a minor or NMD in foster care may be undocumented and in need of access to immigration legal services, caseworkers should be aware that minor's, NMD's and their family members are often hesitant to provide information related to their immigration status to a government agency due to fear that this information will be shared with Immigration and Customs Enforcement (ICE). Therefore, the caseworker should build trust when engaging the child and family and explain the purpose of the inquiry prior to inquiring of the minor's or NMD's immigration status. The caseworker may need to reassure the minor or NMDs and/or family that they will not report their immigration status to ICE. Training on how to best approach this issue with clients and how to present the questions in a non-threatening manner may be needed. If a minor, NMD, or family is reluctant to provide information regarding their immigration status, the caseworker should continue to build trust while engaging the minor or NMD and their family and can distribute a flyer regarding immigration legal services. Additionally, the caseworker can verify the minor's or NMD's birth certificate prior to inquiring of the immigration status to avoid unnecessary inquiry. Because of this and the importance of identifying the need for immigration relief as early as possible, it is important that the caseworker attempt to obtain the minor's or NMD's birth certificate or other documentation of legal immigration status (i.e. asylee/refugee status, U nonimmigrant status, etc.) at the beginning of a case. Upon becoming aware that a dependent minor or NMD is an undocumented immigrant, the placing agency must notify the dependent minor's or NMD's attorney telephonically or electronically within five business days of learning that the minor or NMD is an undocumented immigrant, as required by WIC Section 16010.6(f).

The caseworker, in coordination with the minor's or NMD's court appointed attorney, should screen the minor or NMD to identify the potential need for immigration relief.

A screening questionnaire may be used can be found in the Appendix B of ["Strengthening Child Welfare Practice for Immigrant Children & Families: A Toolkit for Child Welfare Professionals in California"](#). If the minor or NMD needs services to seek immigration relief, the caseworker should team with the child or NMD, their attorney, and the immigration legal service provider to actively support the minor or NMD in accessing immigration legal services. This includes teaming, service planning, and delivery to coordinate supportive services necessary for the minor or NMD to access immigration legal services, such as interpreter services and transportation.

To successfully team with the minor or NMD, their attorney, and the immigration legal service provider, it is important for caseworkers to be familiar with the services that are available to undocumented clients. The county placing agency should be aware of and engage with available legal immigration service providers, such as local immigration nonprofits to assist undocumented children and families. The agency should support minors or NMDs by connecting the minor or NMD with immigration legal services. The agency may provide access to immigration legal services through local programs and resources, and may also locate immigration legal services through the [Immigration Services Funding Grantee Contact List](#) and the [Removal Defense Program Grantee Contact List](#) published on the California Department of Social Services website. The Immigration Service nonprofits may provide free immigration legal services for Naturalization and Deferred Action for Childhood Arrivals applications, application assistance for affirmative immigration benefits, and may provide education and outreach services. The Removal Defense nonprofits may provide free removal defense legal services if a child has ongoing proceedings in immigration court and is therefore at-risk of being removed or deported from the United States. In addition, the [Immigration Advocates Network](#) provides a nationwide directory of local nonprofit immigration legal service providers.

Throughout the case, the caseworker should continue to connect the minor or NMD with their court appointed attorney and immigration legal counsel to help them navigate the system for immigration relief, if needed. The caseworker should coordinate with the minor's or NMD's immigration legal services provider and court appointed attorney to obtain necessary documentation to support their application for immigration relief. The caseworker is encouraged to check in with the minor or NMD to ensure he/she understands the available immigration legal services, intentionally listen to the minor or NMD, inquire or explore solutions to resolve concerns, and provide needed referrals to services and supports that assist with immigration matters. Overall, the caseworker should support the minor or NMD in accessing services to obtain legal immigration status in the United States and address any concerns and barriers that the minor or NMD and the family faces (i.e., language, food, family, and other supports).

In addition, the caseworker is strongly encouraged to document the minor's or NMD's immigration status in the Child Welfare Services/Case Management System (CWS/CMS) for the purpose of tracking efforts to provide the minor or NMD access to immigration legal services. A data field to track immigration status is already available in CWS/CMS and keeping track of this information can help counties comply with the requirements of AB 829 and determine whether counties may need additional resources for their undocumented foster youth. The caseworker should also make every effort to ensure relevant updates regarding the minor's or NMD's access to immigration legal services are provided to their attorney and the juvenile court in a timely manner. To ensure accountability, efforts to provide access to immigration legal services should be included in the case plan and reported to the court at every status review hearing. This will ensure that undocumented foster children and youth will have access to services to pursue immigration relief for which they may be eligible.

If you have any questions or need additional guidance regarding the information in this letter, contact the Family Reunification and Pathways to Permanency Unit at [Reunification-Permanency@dss.ca.gov](mailto:Reunification-Permanency@dss.ca.gov).

Sincerely,

***Original Document Signed By***

ANGIE SCHWARTZ  
Deputy Director  
Children and Family Services Division